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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BOBBY SHANE CHARLTON,)	
)	
Plaintiff,)	
)	Civil No. 09-1246-TC
)	
v.)	
)	ORDER
OREGON DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

Magistrate Judge Thomas M. Coffin filed Findings and Recommendation on October 28, 2010, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc.,

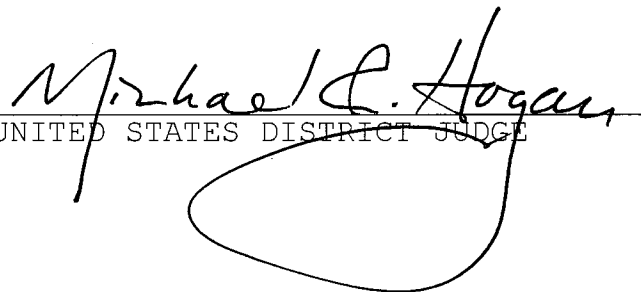
656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Coffin's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Coffin's Findings and Recommendation filed October 28, 2010, in its entirety. Defendants' motion to dismiss (#45) is allowed. Plaintiff's claims are dismissed without prejudice. Plaintiff's motion for extension of time (#50) is construed as a motion for voluntary dismissal without prejudice and is allowed. Plaintiff's motion for appointment of counsel (#49) and motion for summary judgment (#48) are denied as moot. This proceeding is dismissed.

IT IS SO ORDERED.

DATED this 13th day of Dec., 2010.


UNITED STATES DISTRICT JUDGE